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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,236	02/26/2002	Frederick L. Jordan	ORYXE.029A	2036

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EXAMINER

TOOMER, CEPHIA D

ART UNIT PAPER NUMBER

1714

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-43 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 16, 17, 19, 20, 23 and 24 are of copending Application No. 10/084602. Although the conflicting claims are not identical, they are not patentably distinct from each other because the jet fuel and additive of the present .

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-6, 8, 10-13, 17-21, 24-25, 30, 33-35, 38-39 and 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Jordan (US 5,826,369).

Jordan teaches carbonaceous fuel composition comprising a fuel additive of beta-carotene, chlorophyll, ethoxylated castor oil, jojoba oil and alkyl nitrates (see abstract; col. 2, lines 11-22). The carbonaceous fuel includes the full range of combustible carbonaceous fuels for example, gasoline, diesel fuel, heavy fuel oil (resid), etc. (see col. 2, lines 23-43). The fuel additive may be diluted with a solvent such as gasoline, toluene, diesel fuel and alcohols (see col. 2, line 60 through col. 3, lines 1-6). Jordan teaches that the ethoxylated castor oil provides enhanced combustion characteristics and reductions in pollutant emissions.

Accordingly, Jordan teaching all the limitations of the claims anticipates the claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (US 5,826,369).

Jordan has been discussed above. Jordan differs from the claim in that he does not specifically teach that the alcohol solvent is methanol or ethanol. However, it would have been obvious to one of ordinary skill in the art to have selected these alcohol because Jordan broadly teaches alcohols, which encompasses methanol and ethanol, and Jordan teaches that any organic solvent may be used provided that it does not adversely increase pollutant emission levels.

8. The prior art made of record and not relied upon is cited for teaching the general state of the art and is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 703-308-2509. The examiner can normally be reached on Monday-Friday.

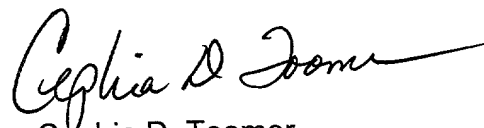
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Cephia D. Toomer
Primary Examiner
Art Unit 1714

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